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JOHN T. GADD
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VERNON R. RICE §
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WORKMAN | NYDEGGER

INTELLECTUAL PROPERTY ATTORNEYS



09/264 432

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60 EAST SOUTH TEMPLE
SALT LAKE CITY, UTAH 84111
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PATENT APPLICATION
Docket No. 14531.46

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Phillip Y. Goldman, et al.

Serial No.:

09/296,423

) Art Unit
) 2614

Confirmation No.:

3073

Filed:

March 8, 1999

For:

SYSTEM AND METHOD FOR
INSERTING ADVERTISEMENTS
INTO INFORMATION
RETRIEVAL SYSTEM DISPLAY

Examiner:

Scott E. Beliveau

TRANSMITTAL LETTER FOR PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

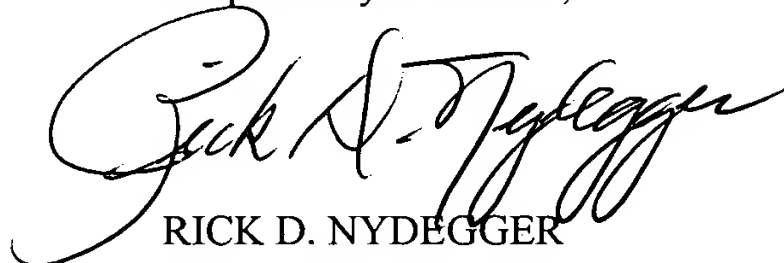
Sir:

The enclosed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181(a) is submitted herewith for filing in the matter of the United States patent application as hereinabove identified. Please find enclosed herewith the following items for filing in the United States Patent and Trademark Office:

Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181(a), with
attached exhibits.

DATED this 21st day of February, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick D. Nydegger", written in a cursive style.

RICK D. NYDEGGER
Attorney for Applicant
Registration No. 28,651
Customer No. 47973

RDN:kcs
KCS0000008012V001.doc



PATENT APPLICATION
Docket No: 14531.46

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)
)
Phillip Y. Goldman, et al.)
)
Serial No.: 09/296,423) Art Unit
) 2614
Filed: March 8, 1999)
)
Confirmation No.: 3073)
)
For: SYSTEM AND METHOD FOR INSERTING)
ADVERTISEMENTS INTO AN INFORMATION)
RETRIEVAL SYSTEM DISPLAY)
)
Examiner: Scott E. Beliveau)

PETITION TO WITHDRAW THE HOLDING
OF ABANDONMENT UNDER 37 CFR 1.181(a)

Mail Stop: Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR 1.181(a), applicant hereby petitions to withdraw the holding of abandonment of United States Patent Application Serial No. 09/264,432, which became abandoned on January 30, 2006.

A Notice of Abandonment (attached at Exhibit A) was mailed by the U.S. Patent and Trademark Office on January 30, 2006, indicating that the application in question was

abandoned due to failure to respond to a Notice Regarding Drawings mailed on September 20, 2005.

However, in reviewing the file, it is evident that a response to the Notice Regarding Drawings (Exhibit B) was timely filed with the U.S. Patent and Trademark Office via Express Mail on October 11, 2005. Attached herewith as Exhibit C is a copy of the Certificate of Express Mailing, the itemized return postcard which shows that it was dated-stamped as received in the U.S. Patent and Trademark Office on October 11, 2005, and a copy of the Express Mailing Label. The documents of Exhibit C clearly shows that our response was timely filed and receipt thereof acknowledged by the PTO.

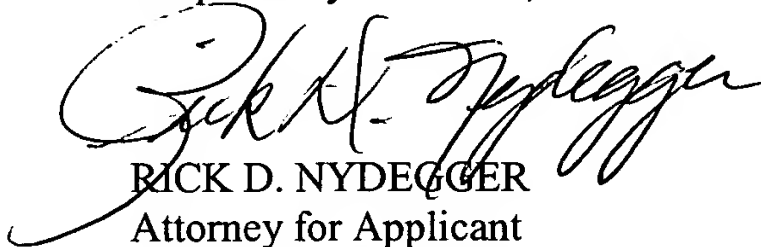
The abandonment is not due to any error by applicant and no fee is due.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment in regard to this matter to Deposit Account No. 23-3178. Duplicate copies of this authorization are enclosed.

In view of the foregoing, applicant respectfully requests that this Petition to Withdraw the Holding of Abandonment be granted.

Dated this 21st day of February, 2006.

Respectfully submitted,



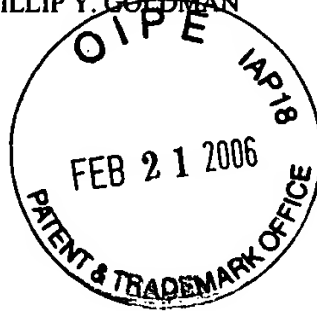
RICK D. NYDEGGER
Attorney for Applicant
Registration No. 28,651
Customer No. 47973



UNITED STATES PATENT AND TRADEMARK OFFICE

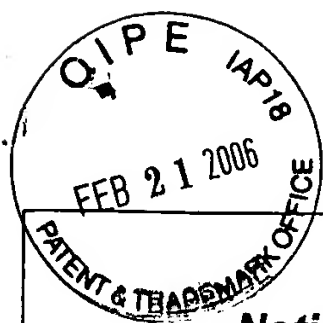
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/264,432	03/08/1999	PHILLIP Y. GOLDMAN	14531.46	3073
47973	7590	01/30/2006		
WORKMAN NYDEGGER/MICROSOFT 1000 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111				
			EXAMINER	
			BELIVEAU, SCOTT E	
			ART UNIT	PAPER NUMBER
			2614	
			DATE MAILED: 01/30/2006	



Please find below and/or attached an Office communication concerning this application or proceeding.

Abandonment
am 3/30/06
hyd 2/3/06



Notice of Abandonment

Application No.

09/264,432

Examiner

BELIVEAU, SCOTT E

Applicant(s)

PHILLIP, GOLDMAN

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 09/20/05.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



Attachment to Notice of Abandonment

**For questions concerning the notice contact
Office of Patent Publication
Image Assistance Center: 888-786-0101.**

Information is also available on the USPTO Internet web site:
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

Respond to the Notice of Abandonment by one of the following:

1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing; 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

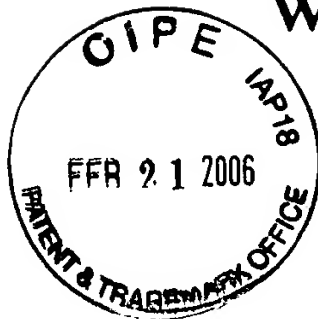
Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment

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WORKMAN | NYDEGGER

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FAX: (801) 328-1707
WEBSITE: HTTP://WWW.WNLAW.COM

Express Mail Label No.: EV 566 185 184 US

PATENT APPLICATION

Docket No: 14531.46

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Phillip Y. Goldman, et al.

Serial No.:

09/296,423

) Art Unit
) 2614

Filed:

March 8, 1999

Confirmation No.:

3073

For:

SYSTEM AND METHOD
FOR INSERTING
ADVERTISEMENTS INTO
AN INFORMATION
RETRIEVAL SYSTEM
DISPLAY

Examiner:

Scott E. Beliveau

R. PARRISH FREEMAN, JR.
PETER F. MALEN, JR.
L. REX SEARS, PH.D.
WILLIAM R. RICHTER
ERIC M. KAMERATH
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VERNON R. RICE §
OF COUNSEL

SUBMISSION OF FORMAL DRAWINGS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified patent application
are two (2) sheets of formal drawings to replace the formal drawings objected to
by the Draftsperson under 37 CFR 1.84 or 1.152. A copy of the Notice of

* Admitted only in California
§ Admitted only in Virginia

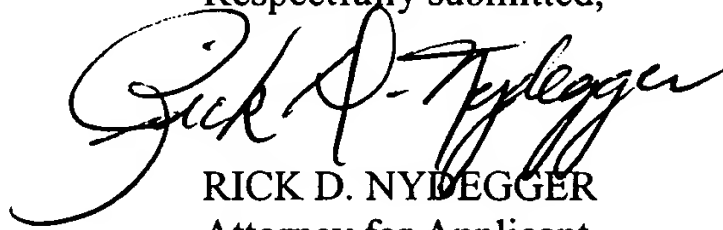
Draftsperson's Patent Drawing Review and the Notice Regarding Drawings are enclosed hereto.

The Commissioner is hereby authorized to charge payment of comparison fees, if any, associated with this communication or credit any overpayment to Deposit Account No. 23-3178.

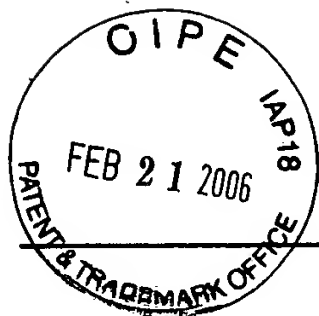
Please address all future correspondence in connection with the above-identified patent application to the attention of the undersigned.

Dated this 11th day of October, 2005.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rick D. Nydegger", written in a cursive style.

RICK D. NYDEGGER
Attorney for Applicant
Registration No. 28,651
Customer No. 47973



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NUMBER 09/264432	FILING/RECEIPT DATE 03/08/1999	FIRST NAMES APPLICANT GOLDMAN, PHILLIP Y.	ATTORNEY DOCKET NUMBER 14531.46
--	--	---	---

WORKMAN NYDEGGER/MICROSOFT
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY UT 84111

Examiner
BELIVEAU SCOTT E
Art Unit
2614

DOCKETED
Action Corrected Drawings
Response Due 11/29/99
By JP On 11/23/99
Asy nyd File # 09/264432

Date Mailed: 09/20/05

Notice Regarding Drawings

Corrected drawings for the above-identified application, received in the USPTO on 03/08/1999 are still not acceptable for the reason(s) identified on the attached PTO-948. Applicant is given one opportunity to correct the informalities within a two-month time period from the mailing date of this Notice. **THIS TIME PERIOD IS NOT EXTENDABLE UNDER EITHER 37 CFR 1.136(a) OR 1.136(b). Failure to take corrective action within the set period will result in abandonment of the application.**

ATTACHMENT: PTO-948 Notice of Draftsperson's Patent Review

RETURN CORRECTED DRAWINGS TO:

Commissioner for Patents

P.O. Box 1450

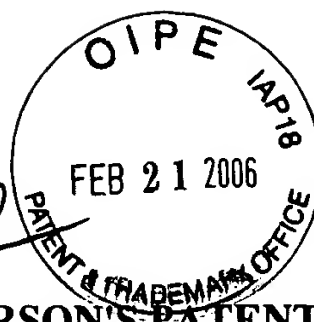
Alexandria, Virginia 22313-1450

John Fitzhugh

Office Of Patents Publication

Publishing Division

703-305-0333 ext-137



NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

The drawing(s) filed (insert date) 3/1/03 are:

- A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.
B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. Corrected drawings are required.

1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings: Black ink or Color (3 sets required).

☐ Color drawings are not acceptable until petition is granted. Fig(s) _____
☐ Pencil and non black ink not permitted. Fig(s) _____

2. PHOTOGRAPHS. 37 CFR 1.84(b)

☐ One (1) full-tone set is required. Fig(s) _____
☐ Photographs may not be mounted. 37 CFR 1.84(e)
☐ Photographs must meet paper size requirements of 37 CFR 1.84(f). Fig(s) _____
☐ Poor quality (half-tone). Fig(s) _____

3. TYPE OF PAPER. 37 CFR 1.84(e)

☐ Paper not flexible, strong, white, and durable. Fig(s) _____
☐ Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted. Fig(s) _____

4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes:

21.0 cm by 29.7 cm (DIN size A4) or
21.6 cm by 27.9 cm (8 1/2 x 11 inches)
☐ All drawing sheets not the same size. Sheet(s) _____
☐ Drawings sheets not an acceptable size. Fig(s) _____

5. MARGINS. 37 CFR 1.84(g): Acceptable margins:

Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm
☐ Margins not acceptable. Fig(s) _____
☐ Top (T) ☐ Left (L)
☐ Right (R) ☐ Bottom (B)

6. VIEWS. 37 CFR 1.84(h)

REMINDER: Specification may require revision to correspond to drawing changes, e.g., if Fig. 1 is changed to Fig. 1A, Fig 1B and Fig. 1C, etc., the specification, at the Brief Description of the Drawings, must likewise be changed.

☐ Views not labeled separately or properly. Fig(s) _____

7. SECTIONAL VIEWS. 37 CFR 1.84(h)(3)

☐ Sectional designation should be noted with Arabic or Roman numbers. Fig(s) _____

8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i)

☐ Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs. Fig(s) _____

9. SCALE. 37 CFR 1.84(k)

☐ Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction. Fig(s) _____

10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(l)

☒ Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality). Fig(s) 3B, 4

11. SHADING. 37 CFR 1.84(m)

☐ Solid black areas pale. Fig(s) _____
☐ Solid black shading not permitted. Fig(s) _____

12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(p)

☐ Numbers and reference characters not plain and legible. Fig(s) _____
☐ Figure legends are poor. Fig(s) _____
☐ Numbers and reference characters not oriented in the same direction as the view. 37 CFR 1.84(p)(1) Fig(s) _____
☐ English alphabet not used. 37 CFR 1.84(p)(2) Fig(s) _____
☐ Numbers, letters and reference characters must be at least 32 cm (1/8 inch) in height. 37 CFR 1.84(p)(3). Fig(s) _____

13. LEAD LINES. 37 CFR 1.84(q)

☐ Lead lines missing. Fig(s) _____
14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(t)

☐ Sheets not numbered consecutively, and in Arabic numbers beginning with number 1. Sheet(s) _____

15. NUMBERING OF VIEWS. 37 CFR 1.84(u)

☐ Views not numbered consecutively, and in Arabic numerals, beginning with number 1. Fig(s) _____

16. DESIGN DRAWINGS. 37 CFR 1.152

☐ Surface shading shown not appropriate. Fig(s) _____
☐ Solid black surface shading is not permitted except when used to represent the color black as well as color contrast. Fig(s) _____

COMMENTS:

Reviewer [Signature]

If you have questions, call (703) 305-8404.

Date 9/20/03

Attachment to Paper No. _____

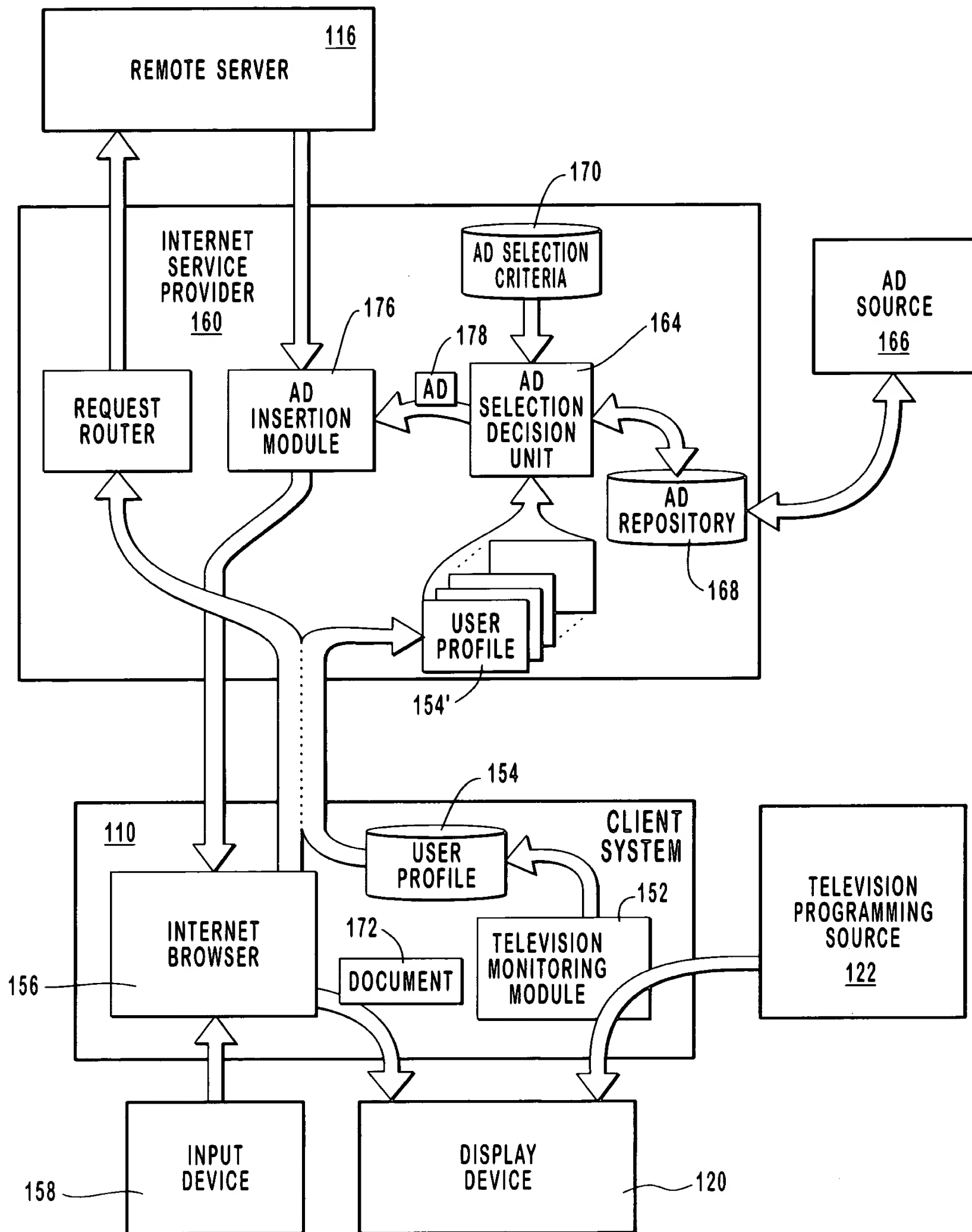


FIG. 3B

6 / 8

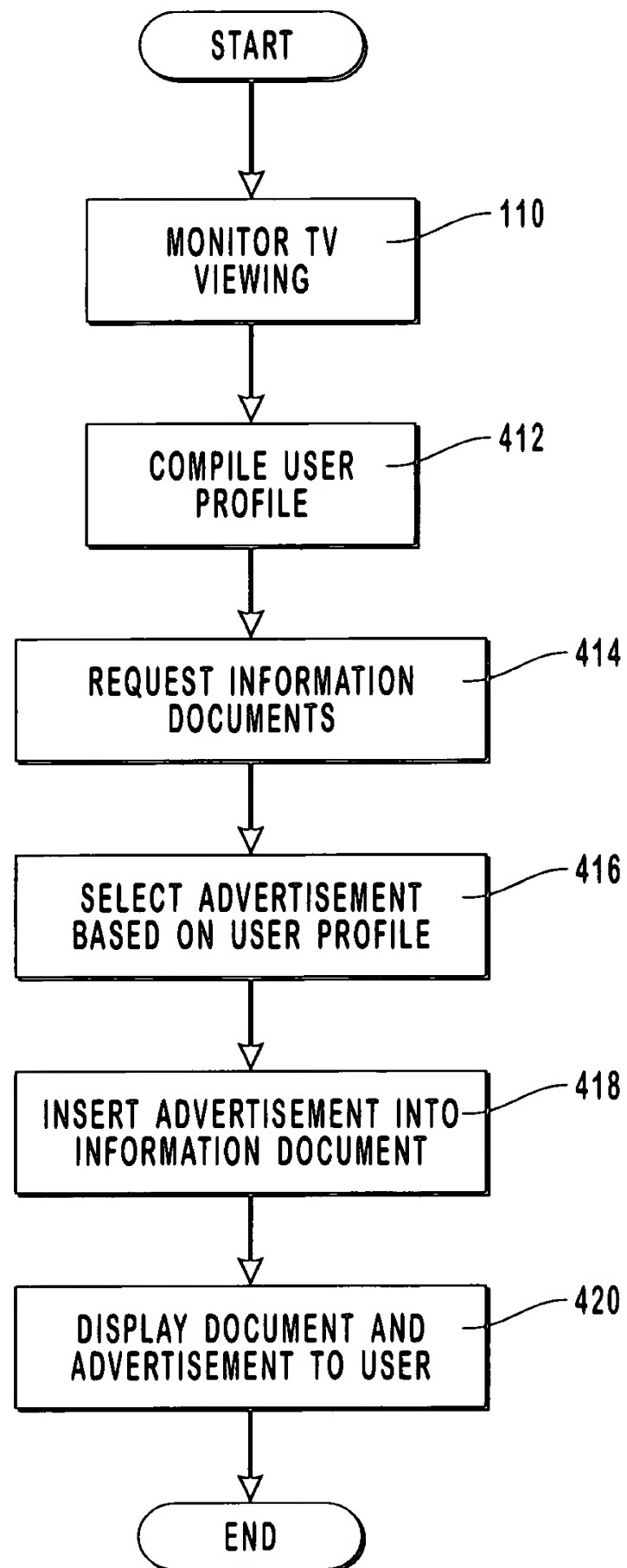
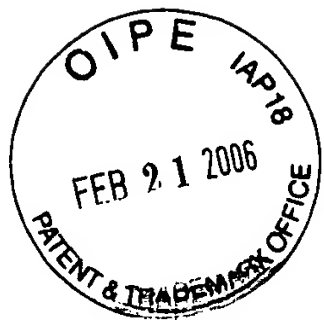


FIG. 4

BEST AVAILABLE COPY

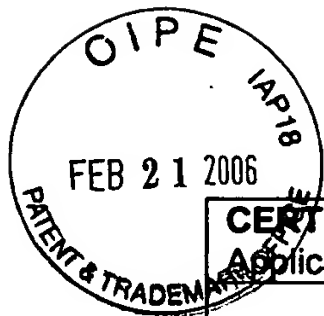


TO THE UNITED STATES PATENT AND TRADEMARK OFFICE:
PLEASE STAMP AND RETURN. THANK YOU.

SUBMITTED: Submission of Formal Drawings (2 pages); Two (2) sheets of corrected formal drawings; and Certificate of Express Mailing Label No EV 566 185 184 US.

Applicant(s): Phillip Y. Goldman, et al.
For: SYSTEM AND METHOD FOR INSERTING
ADVERTISEMENTS INTO AN INFORMATION
RETRIEVAL SYSTEM DISPLAY
Serial No.: 09/296,423
Filed: March 8, 1999
Confirmation No.: 3073
Date of Mailing: OCT 11, 2005
Docket: 14531.46
Contact: RICK D. NYDEGGER
(801) 533-9800



**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Phillip Y. Goldman, et al.

Docket No.
14531.46Serial No.
09/296,423Filing Date
March 8, 1999Confirmation No.
3073Examiner
Scott E. Beliveau

Invention: SYSTEM AND METHOD OF INSERTING ADVERTISEMENTS INTO AN INFORMATION RETRIEVAL SYSTEM DISPLAY

I hereby certify that the Submission of Formal Drawings (2 pages); and postcard are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 11, 2005.

Kendell Steele

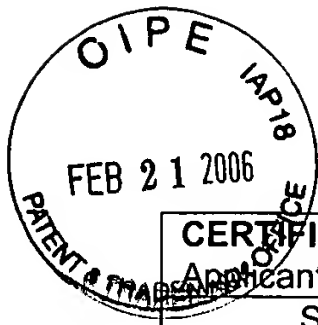
(Typed or Printed Name of Person Mailing Correspondence)

(Signature of Person Mailing Correspondence)

EV 566 185 184 US

("Express Mail" Mailing Label Number)

KCS0000006993V001

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Phillip Y. Goldman, et al.

Docket No.
14531.46Serial No.
09/296,423Filing Date
March 8, 1999Confirmation No.
3073Examiner
Scott E. Beliveau

Invention: SYSTEM AND METHOD OF INSERTING ADVERTISEMENTS INTO AN INFORMATION RETRIEVAL SYSTEM DISPLAY

I hereby certify that the Petition to Withdraw the Holding of Abandonment; Exhibit A – Notice of Abandonment; Exhibit B – Response to the Notice Regarding Drawings; and Exhibit C – Copy of Certificate of Express Mailing dated October 11, 2005, copy of the itemized acknowledgement postcard date stamped as received on October 11, 2005 in the United States Patent and Trademark Office, and a copy of the Express Mailing Label; and postcard are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 21, 2006.

Kendell Steele

(Typed or Printed Name of Person Mailing Correspondence)

(Signature of Person Mailing Correspondence)**EV 785 305 225 US**

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